

## LAND USE APPLICATION SUMMARY

*Property Location:* 2724-28 1<sup>st</sup> Avenue S  
*Prepared By:* Kimberly Holien, Senior Planner, (612) 673-2402  
*Applicant:* Lung Tran  
*Project Contact:* Chris Johnson, JCJ Construction  
*Request:* To adjust the common lot line between two parcels to allow for the future construction of a single-family home.

*Required Applications:*

<b>Variance</b>	To reduce the minimum lot area in the R2B district.
<b>Variance</b>	To reduce the minimum lot width in the R2B district.
<b>Minor Subdivision</b>	To adjust the common lot line between two parcels.

## SITE DATA

<b>Existing Zoning</b>	R2B, Two-family District
<b>Lot Area</b>	2724 1 <sup>st</sup> Avenue S- 7,398 square feet / 0.17 acres 2728 1 <sup>st</sup> Avenue S- 2,400 square feet/.055 acres
<b>Ward(s)</b>	10
<b>Neighborhood(s)</b>	Whittier
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	N/A
<b>Small Area Plan(s)</b>	N/A

<b>Date Application Deemed Complete</b>	June 16, 2015	<b>Date Extension Letter Sent</b>	N/A
<b>End of 60-Day Decision Period</b>	August 15, 2015	<b>End of 120-Day Decision Period</b>	N/A

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The subject site includes the properties at 2724 and 2728 1<sup>st</sup> Avenue S. The property at 2724 1<sup>st</sup> Avenue S contains a duplex. The structure was converted to a duplex in 1962. The parcel at 2728 1<sup>st</sup> Avenue S is currently vacant. This property previously contained a duplex that was demolished in 1976. It has been vacant since that time.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The surrounding area contains a mix of uses and residential densities. The subject block face includes two 4-unit buildings, a duplex and a place of assembly in addition to the subject properties. Two multi-family residential buildings are located across 1<sup>st</sup> Avenue S to the east. This side of the street is zoned R5 and also includes a single family home and a duplex. The west side of the block fronts on Nicollet Avenue and contains a series of commercial uses.

**PROJECT DESCRIPTION.** The applicant is proposing to adjust the common lot line between the properties at 2724 and 2728 1<sup>st</sup> Avenue S to allow for the construction of a single-family home. The property at 2728 1<sup>st</sup> Avenue S is not a buildable parcel in its current state as it is only 19 feet wide and 2,400 square feet in area. The parcel at 2724 1<sup>st</sup> Avenue S is approximately 58.5 feet wide and 7,398 square feet in area. Adjust the common lot line will make is more feasible to build on the smaller parcel.

A proposed, Parcel A at 2724 1<sup>st</sup> Avenue S would be 4,903 square feet in area and 38.76 feet in width post-subdivision. Parcel B at 2728 1<sup>st</sup> Avenue S would be 4,911 square feet in area and 38.76 feet in width. The minimum lot area requirement for a single-family home or existing duplex (existing on January 1, 1995) in the R2B district is 5,000 square feet. The minimum lot width requirement is 40 feet. Both parcels would require a variance to the minimum lot area and lot width requirements. A deck that is located on the south side of the existing duplex will be demolished to ensure that this structure meets the side yard setback requirements.

**PUBLIC COMMENTS.** Staff received a letter from the Whittier Alliance dated June 3, 2015 expressing support for the project, per the action taken at their meeting on May 28, 2015. Any additional correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

## ANALYSIS

### VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of the minimum lot area and lot width requirements based on the following findings:

- I. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

Both Variances:

Variances to the minimum lot area and lot width of both parcels are necessary to allow for the adjustment of the common lot line between the two to make a second buildable parcel. The parcel at 2728 1<sup>st</sup> Avenue S is a severely substandard lot that is not buildable in its current state. Practical difficulties exist due to the extremely small and narrow lot. It is currently used as the side yard for

the duplex at 2724 1<sup>st</sup> Avenue S. This is an existing condition that has not been created by the property owner.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

**Both Variances:**

The proposed lot area and lot width of both parcels will allow for reasonable use of the properties. Parcel A will be just 97 square feet short of the minimum lot area requirement and 1.24 feet short of the minimum lot width requirement. Similarly, Parcel B will be just 89 square feet short of the minimum lot area requirement and 1.23 feet short of the minimum lot width requirement. Adjusting the common lot line between the two parcels to distribute the total lot area and lot width more evenly will allow for the construction of a new single-family home. Both lots will have alley access to accommodate parking access and the concept plan provided by the applicant shows that all required setbacks can be met with the construction of a new home on Parcel B. A deck will be removed from the existing structure on Parcel A so that all setbacks can be met on that property. The properties are identified as urban neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth* and a single-family home is allowed as of right in the R2B district. As such, the proposed lot area and lot widths would be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

**Both Variances:**

The proposed lot width and lot area variances will allow for the construction of a new single-family home. A new single-family home would be consistent with the character of the surrounding area. Surrounding uses on this block face include low-density and medium density residential uses. The variances will not be detrimental to the health, safety or welfare of the general public or adjacent properties.

## Minor Subdivision

The Department of Community Planning and Economic Development has analyzed the application for a minor subdivision based on the following findings:

1. *The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.*

**Subdivision Regulations:**

Variances to the minimum lot area and lot width have been requested for both parcels, as evaluated above. The subdivision is otherwise in conformance with the design requirements of the land subdivision regulations.

**Zoning Ordinance:**

As noted above, the lot line adjustment will result in two parcels that are both just short of the minimum lot area and lot width requirements. Staff is recommending approval of both variances. In

all other aspects, the subdivision would conform to the applicable regulations of the zoning ordinance.

Comprehensive Plan:

*The Minneapolis Plan for Sustainable Growth* designates this development area as Urban Neighborhood on the future land use map. Urban Neighborhood is described as a “predominantly residential area with a range of densities. May include other small-scale uses, including neighborhood serving commercial, and institutional and semipublic uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers.” The subdivision is consistent with the following policies of the comprehensive plan.

**Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.**

- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

**Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.**

- 1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

**Housing Policy 3.1: Grow by increasing the supply of housing.**

- 3.1.2 Use planning processes and other opportunities for community engagement to build community understanding of the important role that urban density plays in stabilizing and strengthening the city.

**598.310. Variances.** *Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:*

*(1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.*

Variances to the minimum lot area and lot width of both parcels are necessary to allow for the adjustment of the common lot line between the two to make a second buildable parcel. The parcel at 2728 1<sup>st</sup> Avenue S is a severely substandard lot that is not buildable in its current state. The lot line adjust will allow for reasonable use of the land. In this case, the applicant is proposing a single family home.

*(2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.*

The proposed lot width and lot area variances will allow for the construction of a new single-family home. A new single-family home would be consistent with the character of the surrounding area and would not be detrimental to the health, safety or welfare of the general public or adjacent properties.

2. *The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.*

The proposed subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to surrounding land uses. The proposed subdivision will allow for the development of an additional single family home on a lot that is severely substandard in its current condition. An additional single family home on a lot of this size is consistent with the character of the surrounding area. Furthermore, the construction of one additional dwelling unit will not substantially add to congestion in the public streets. Off-street parking will be accommodated on-site for each lot.

3. *All land intended for building sites can be used safely without endangering the residents or users of the subdivision or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.*

None of the above hazards exist on the site.

4. *The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.*

Both parcels are relatively flat and have alley access. The applicant has provided a speculative building plan for Parcel B that shows how future construction could potentially be laid out. In this plan, the applicant shows a detached garage in the rear of the property that would be accessed via the alley. The existing duplex has a parking pad in the rear of the site that is also accessed via the alley.

5. *The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.*

The construction of a single family home on Parcel B is not expected to result in increased stormwater runoff or soil erosion. Existing utility and drainage provisions are adequate for the area. Standard erosion control measures would be required during construction of a future home on the vacant parcel.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by Chris Johnson of JCJ Construction for the properties located at 2724 and 2728 1<sup>st</sup> Avenue S:

### A. Variance of the minimum lot area requirement.

Recommended motion: **Approve** the application for a lot area variance for both parcels, specifically to vary the lot area of Parcel A from 5,000 square feet to 4,903 square feet and Parcel B from 5,000 square feet to 4,911 square feet.

**B. Variance of the minimum lot width requirement.**

Recommended motion: **Approve** the application for a lot width variance for both parcels, specifically to vary the lot width of Parcel A from 40 feet to 38.76 square feet and Parcel B from 40 feet to 37.77 feet.

**C. Minor subdivision to adjust the common lot line.**

Recommended motion: **Approve** the application for a minor subdivision.

## ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan
4. Site survey
5. Photos
6. Oblique aerials
7. Correspondence

April 23 2015  
From the Desk of  
Chris Johnson  
J.C.J. Construction

To all Parties involved in the Procedure to Apply for a Minor Sub-Division Lot Line Adjustment and Lot Variances.

The property to be discussed is as follows;

2724 1st Av. S. Property ID # 34-029-24-42-0374

2728 1st Av.S. Property ID # 34-029-24-42-0276

2724 1st Av.S. lot size is 58.53 x 126.37

2728 1st Av. S. lot size is 19 x 126.37

There is an existing Duplex on this property on the north side of the lot the house is set back 2 feet from property line, the House is 25 feet wide, leaving a set back on the south side of 31.53 feet.

The lot 2728 on the south end of 2724 is only 19 feet wide.

What we are proposing is that we take the total of the 2 lots which is 77.53 feet and split that into 2 lots for each lot. Knowing that the recommended lot size is 40 feet this puts us just at 15 inches under the recommended lot size.

If this is possible we would then ask for a Variance to lot area and width.

Then on lot 2728 we would like to build a Single Family Home which would then be Homesteaded by My client Lung Tran currently resides at 11 E. 27th St. she would like a new home in the neighborhood would be staying on the very same block.

I hope this explains the situation well enough.

Any questions please feel free to contact me.

Chris Johnson  
Representing Lung Tran  
J.C.J. Construction  
4601 Merribee Dr.  
Golden Valley Mn. 55422  
612-310-4276  
mn. lic. # BC630396  
jcjconstruction@q.com

Variance Statement      June 14 2015  
From the Desk of J.C.J. Construction  
Chris Johnson  
For the Property 2724 1st and 2728 1st Av. S. Mpls

1) The difficulties in complying are as follows when the Minor Subdivision is completed the lot width will be 38 feet 9 inches which is less than the standard lot width of 40 feet. This puts us at 15 inches shy of a standard lot.

This property is currently underutilized in its existing state.

2) By dividing the lots and getting the Variance we can build a new Single Family Home here keeping the Spirt and Intent of the Neighborhood intact.

Eliminating an vacant lot area that currently is only used as a pedestrian thoroughfare.

3) This proposed Variance will not alter the charter of the local urban neighborhood, only add to the value of the essential fabric of the neighborhood by utilizing this under used property.

Thank you  
Chris Johnson  
Representing Lung Tran  
J.C.J. Construction  
4601 Merribee Dr.  
Golden Valley Mn. 55422  
612-310-4276  
mn. lic. # BC630396  
jcjconstruction@q.com

Minor SubDivision Statement     June 14 2015  
From the Desk of J.C.J. Construction  
Chris Johnson  
For the Property 2724 and 2728 1st Av S. Mpls

1) Doing this Minor SubDivision will take two odd sized lots 2724 1st currently 58.53 x 126.37 and 2728 1st 19 x 126.30 and dividing them will get us 2 lots at 38 feet 9 inches each in width just 15 inches under a standard lot size.

The Subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and polices of the comprehensive plan.

2) By dividing these lots it will allow us to build with a variance a New Single Family home on this currently under utilized space, adding to the essential fabric of the neighborhood, Seamless flowing into the street scene and eliminating a currently vacant lot.

The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity nor be detrimental to present and potential surrounding land uses nor add substantially to congestion in the public streets

3) All land intended for building sites can be used safely without endangering the residents or users of the sub division or the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.

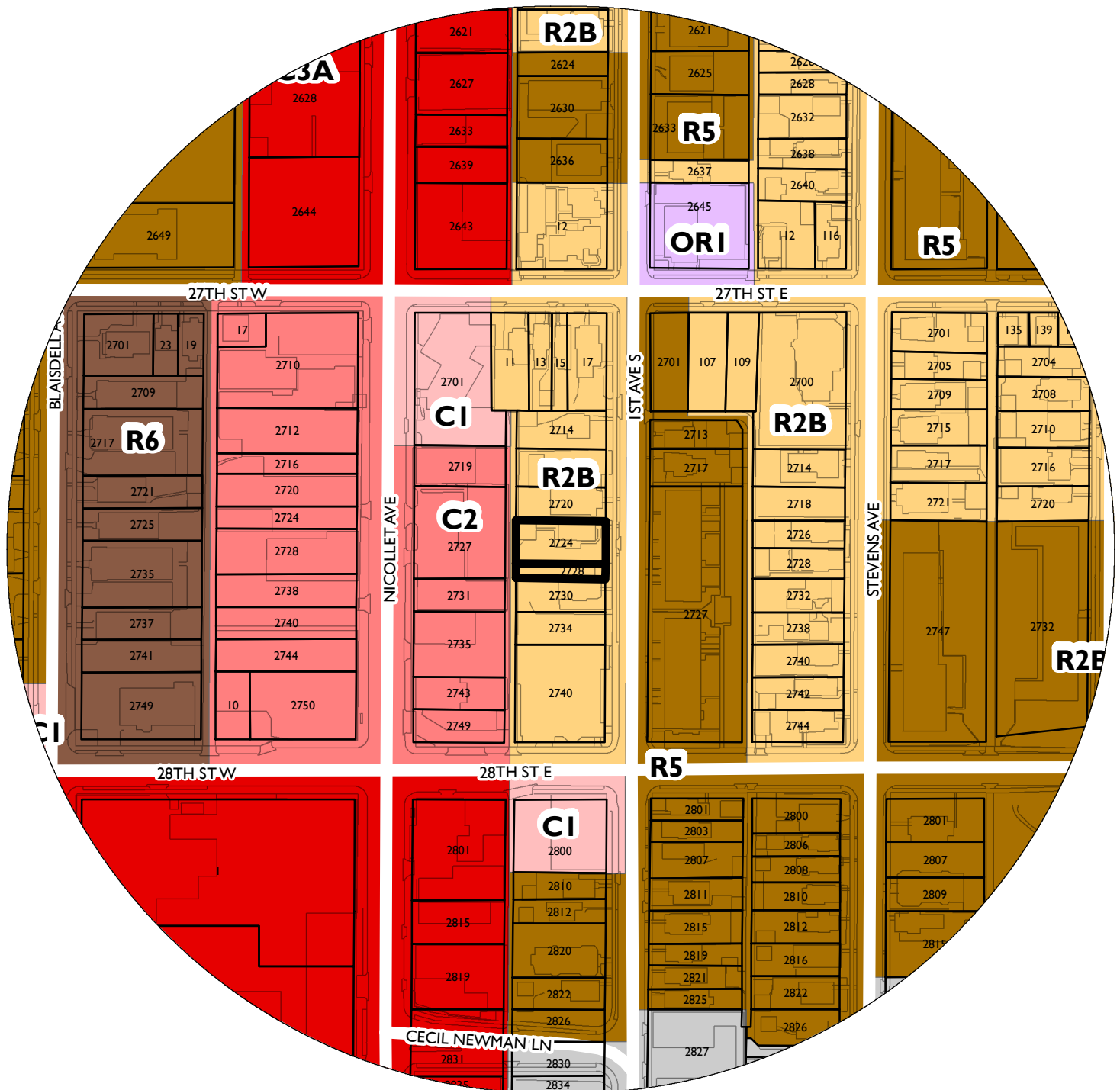
4) The lot arrangement is such that there will no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

5) The subdivision makes adequate provision for stormwater runoff and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of storm water runoff from the site after development will not exceed the amount prior to development.

Thank you  
Chris Johnson  
Representing Lung Tran  
J.C.J. Construction  
4601 Merribee Dr.  
Golden Valley Mn. 55422

NAME OF APPLICANT

WARD



N

200 100 0 200 400 Feet

PROPERTY ADDRESS

2724-28 1st Avenue S

FILE NUMBER

BZZ-7241

Established in 1962  
**LOT SURVEYS COMPANY, INC.**  
LAND SURVEYORS  
REGISTERED UNDER THE LAWS OF STATE OF MINNESOTA  
7601 73rd Avenue North (763) 560-3193  
Minneapolis, Minnesota 55428 Fax No. 560-3522

## Surveyors Certificate

Minor Subdivision  
Lot Line Adjustment For:

**JCI CONSTRUCTION**

INVOICE NO. 83773  
F.B.NO. 1082-14  
SCALE: 1" = 30'

● Denotes Found Iron Monument  
○ Denotes Iron Monument

x000.0 Denotes Existing Elevation

Basis for  
bearings is  
assumed

Property Address: 2724 & 2728 1st Avenue South  
Minneapolis, MN

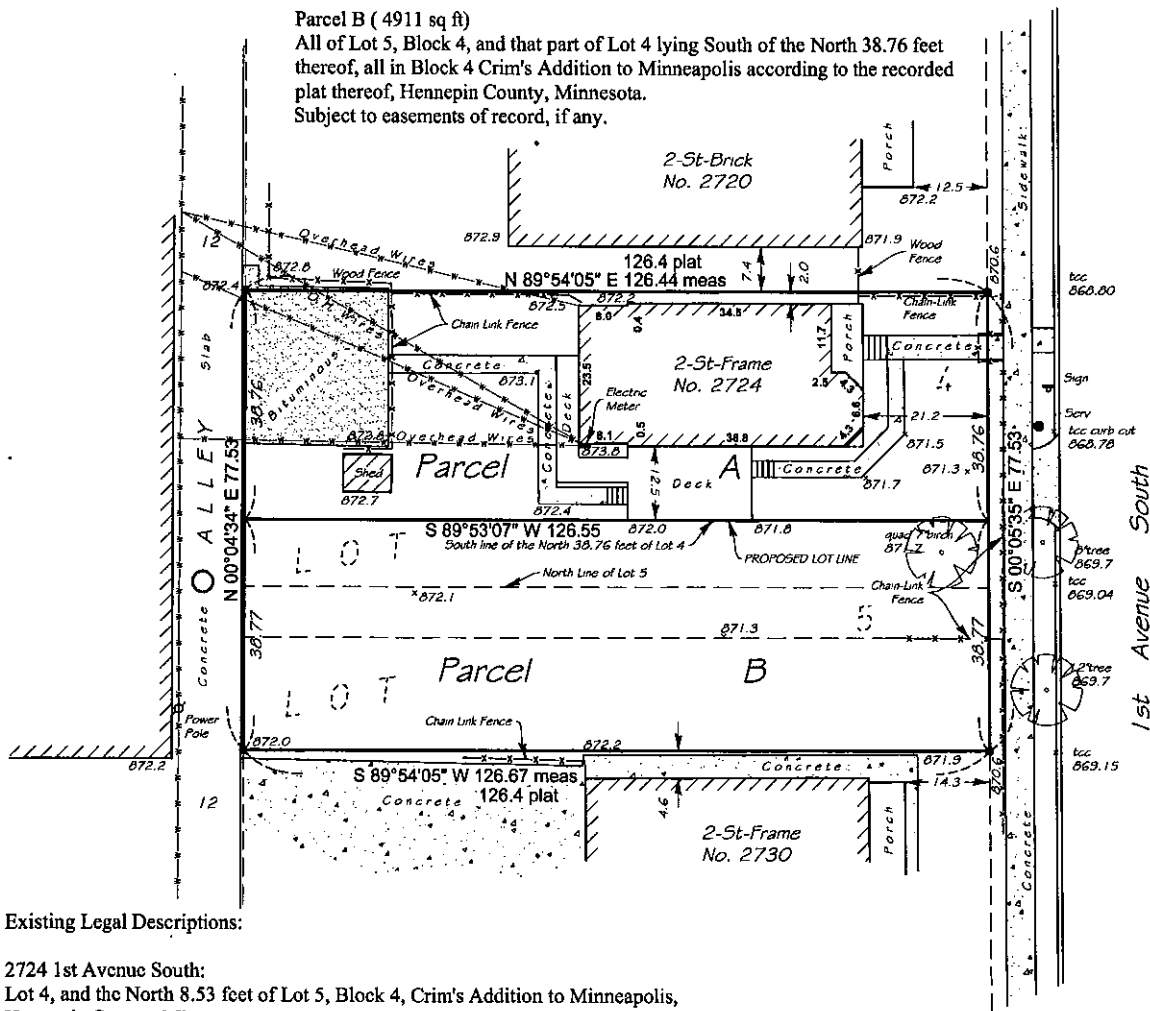
### Proposed Legal Descriptions:

#### Parcel A (4903 sq ft)

The North 38.76 feet of Lot 4, Block 4, Crim's Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota  
Subject to easements of record, if any.

#### Parcel B (4911 sq ft)

All of Lot 5, Block 4, and that part of Lot 4 lying South of the North 38.76 feet thereof, all in Block 4 Crim's Addition to Minneapolis according to the recorded plat thereof, Hennepin County, Minnesota.  
Subject to easements of record, if any.



### Existing Legal Descriptions:

2724 1st Avenue South:  
Lot 4, and the North 8.53 feet of Lot 5, Block 4, Crim's Addition to Minneapolis,  
Hennepin County, Minnesota

2728 1st Avenue South:  
The South 19 feet of Lot 5, Block 4, Crim's Addition to Minneapolis, Hennepin County,  
Minnesota

The only easements shown are from plots of record or information provided by client.

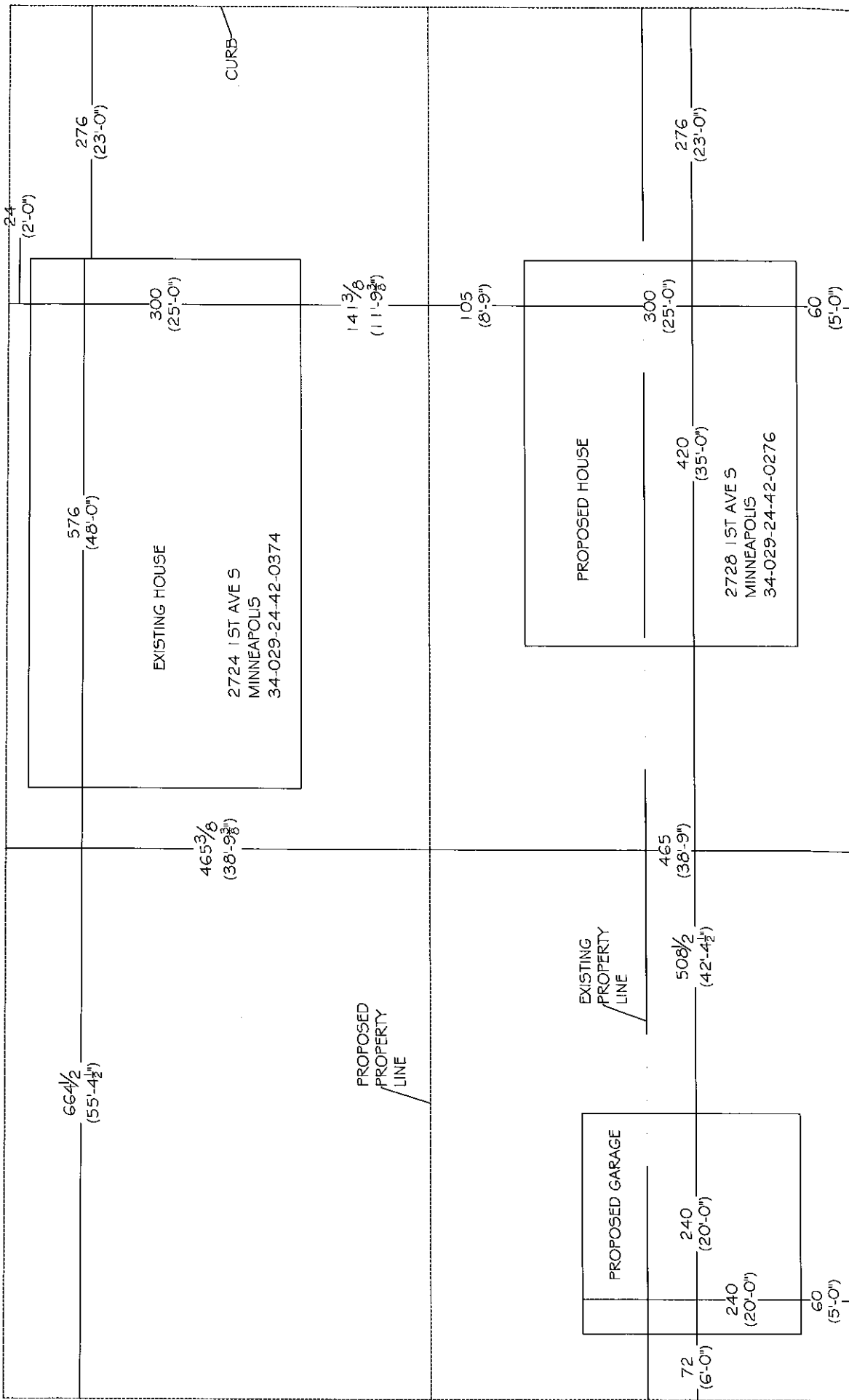
I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota

Surveyed this 1st day of May 2015.

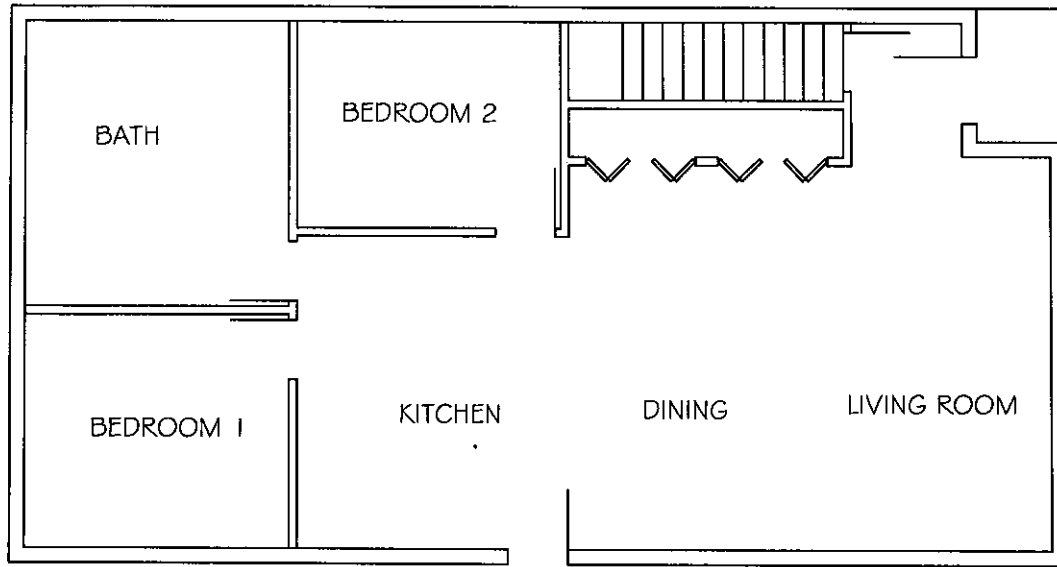
Signed

Gregory F. Brosch, Minn. Reg. No. 24992

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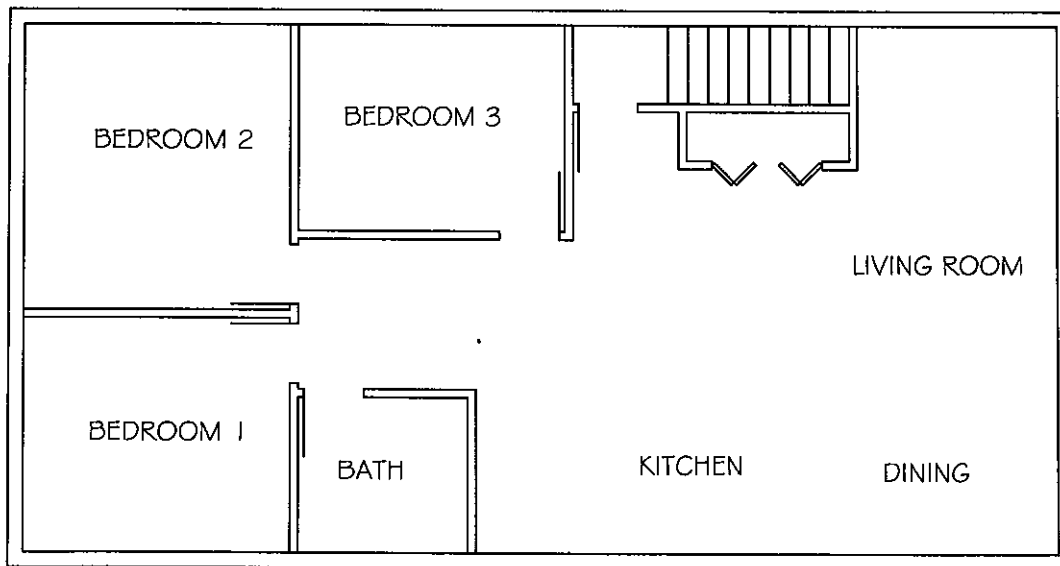


Existing Duplex Floor Plan  
2724 1st Ave S



MAIN LEVEL

2724 1ST AVENUE SOUTH, MINNEAPOLIS



SECOND LEVEL







Nicollet Ave

E 27th St

E 28th St



June 3, 2015

Chris Johnson  
JCJ Construction  
46014 Merribee Dr  
Golden Valley, MN 55422

Dear Chris,

I am writing to inform you of the action taken by the Whittier Alliance Board at its May 28, 2015 meeting on the recommendation forwarded from the May 11, 2015 Community Issues Committee Meeting regarding the request for a lot line adjustment for 2724 & 2728 1<sup>st</sup> Ave.

**Motion:** The Whittier Alliance Board of Directors supports the lot line adjustment for 2724 & 2728 1<sup>st</sup> Ave. to create two lots of equal width. **Motion Carried.**

Adjusting the lot line to create a 2<sup>nd</sup> buildable lot seems both appropriate and overdue after many years being vacant. The community and board will look forward to reviewing your plan for a new home at 2728 1<sup>st</sup> Ave. and will revisit your request for a set-back variance at that time. The neighborhood Strategic Plan supports the addition of single family homes on vacant lots. You may want to familiarize yourself with our Strategic Plan, especially the section on Improving Housing Quality and Choice.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Marian Biehn".

Marian Biehn  
Executive Director

Kimberly Holien, City Planner  
Councilmember Lisa Bender